Listing and Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Cancel claim 1.

Cancel claim 2.

Cancel claim 3.

Cancel claim 4.

Cancel claim 5.

6. (Original) A method for use in an upstream endpoint of a video distribution system, the method comprising:

receiving tuning data from at-least-one endpoint of the video distribution system, the tuning data representing programming that is currently being viewed at the at-least-one endpoint; and

adjusting programming to replace content as a function of the received tuning data;

wherein the adjusting step includes the steps of

determining from the received tuning data at-least-one program that is not being viewed;

checking if the at-least-one program that is not being viewed is available for replacement before performing the replacing step; and

if the at-least-one program that is not being viewed is available for replacement, replacing the at-least-one program that is not being viewed with another program.

Cancel claim 7.

Cancel claim 8.

Cancel claim 9.

Cancel claim 10.

Cancel claim 11.

12. (Currently amended) A method for providing a video broadcast service to a number of users, comprising:

identifying at least one program channel as a replaceable program channel; and

providing the replaceable program channel to the number of users, wherein the replaceable program channel may at times be replaced by content from another program channel as a function of the number of users that select the replaceable program channel;

wherein the number of users that select the replaceable program channel is greater than zero.

Cancel claim 13.

14. (Currently amended) Apparatus for use in an upstream distribution point of a multi-media communications system, the apparatus comprising:

a receiver for receiving tuning data from at least one downstream endpoint of the multi-media communications system; and

a processor operative on the received tuning data for replacing content of a program channel that is not being viewed with new content; and

a memory for storing a replaceable program channel list comprising a list of program channels and a respective current selection status, wherein the list of program channels indicates for each program channel if the program channel is replaceable, and wherein the processor updates the current selection status in accordance with the received tuning data; and

wherein the tuning data is received via a modified form of IGMP (Internet Group Management Protocol) signaling and wherein the modified form of IGMP signaling includes a packet comprising downstream frequency information and packet identifier information representing the programming that is currently being viewed.

Cancel claim 15.

16. (Currently amended) The apparatus of claim 14~~15~~, wherein the processor checks the current selection status of the replaceable program channel list to determine if a program channel is not being viewed.

17. (Original) The apparatus of claim 14, wherein the upstream distribution point is a cable head-end.

18. (Original) The apparatus of claim 14, wherein the multi-media communications system is a cable broadcast system.

Cancel claim 19.

Cancel claim 20.

Cancel claim 21.

Cancel claim 22.

Cancel claim 23.

Cancel claim 24.